

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROMEO KREINBERG,

Plaintiff,

- against -

THE DOW CHEMICAL COMPANY and ANDREW N.
LIVERIS,

Defendants.

:
: Civ. No. 07-CV-4557 (VM)

:
: ECF

:
: **NOTICE OF MOTION**
: **TO DISMISS**
: **COUNTERCLAIMS OF**
: **DEFENDANT THE DOW**
: **CHEMICAL COMPANY**
: X

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Romeo Kreinberg's Motion to Dismiss and the accompanying Declaration of Lisa C. Solbakken, both dated July 10, 2007, and all pleadings and prior proceedings in this action, Plaintiff/Counterclaim Defendant Romeo Kreinberg, by his attorneys Arkin Kaplan Rice LLP, will move this Court before the Honorable Victor Marerro, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York 10005, on whatever date the Court deems appropriate, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss The Dow Chemical Company's Counterclaims and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1 of the Local Rules of this Court, answering papers, if any, shall be served on or before July 24, 2007 and reply papers, if any, shall be served within five business days thereafter.

Dated: New York, New York
July 10, 2007

ARKIN KAPLAN RICE LLP

By: /s/ Lisa C. Solbakken
Stanley S. Arkin (SA-1373)
Lisa C. Solbakken (LS-8910)
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